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Letter dated 8 June 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia to the United Nations addressed to the President of the Security Council

I have honour to transmit herewith a letter from Seyoum Mesfin, Minister for Foreign Affairs of Ethiopia, addressed to you regarding the situation between Ethiopia and Eritrea (see annex).

I would be grateful if the present letter and its annex could be circulated to all members of the Security Council as a document of the Council.

(*Signed*) Negash Kebret **Botora**
Ambassador
Deputy Permanent Representative

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Annex to the letter dated 8 June 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia to the United Nations addressed to the President of the Security Council

I have the honour to state that the Government of Ethiopia has taken note of the progress report of the Secretary-General on Ethiopia and Eritrea of 30 April 2007 and the Security Council press statement on Ethiopia and Eritrea of 8 May 2007. In its press statement, the Council "demand[s] Ethiopia implement fully and without delay the EEBC [Eritrea-Ethiopia Boundary Commission] decision". In that context, the Government wishes to communicate the following observations.

Ethiopia accepts the delimitation decision without precondition

1. As the President of the Eritrea-Ethiopia Boundary Commission has explicitly acknowledged,[a] as Ethiopia's Prime Minister has recently reiterated in his statement of 29 March 2007 to the Ethiopian Parliament and as the Secretary-General and the Security Council highlighted in the latest progress report and press statement on Ethiopia and Eritrea, Ethiopia has accepted the Commission's delimitation decision of 13 April 2002 without precondition.

Eritrea, not Ethiopia, has made implementation of the delimitation decision impossible

2. Eritrea, not Ethiopia has made implementation of the delimitation decision impossible. The Security Council will recall that Ethiopia actively participated in the Boundary Commission's meetings last year — under the new initiative of the Witnesses to the Algiers Agreement, supported by the Secretary-General and the Security Council — up to the point at which Eritrea's actions on the ground and Eritrea's refusal to attend Commission meetings[b] brought the Commission's work to a standstill. At that point, Eritrea had sent its military forces into the Temporary Security Zone, expelled the United Nations peacekeeping force mandated by the Algiers Agreements and prevented the United Nations Mission in Ethiopia and Eritrea (UNMEE) from operating effectively within the Temporary Security Zone.

3. More recently, the Secretary-General's latest progress report to the Security Council states that Eritrean military deployments into the Temporary Security Zone

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[a] Transcript of the Eritrea-Ethiopia Boundary Commission meeting of 10 March 2006, which provides on page 33: "The President: We have taken note of the fact that Ethiopia have accepted the delimitation decision. At one time there was a qualification of that acceptance by the expression 'in principle' and we understand that that has now been dropped so it is a complete and unconditional acceptance, so there is no doubt that Ethiopia is willing to move on to the complete demarcation of the boundary and all we are trying to do now is to figure out how to go about that."

[b] After two meetings were held between the Eritrea-Ethiopia Boundary Commission and the parties in March and May of 2006, Eritrea refused to attend the next meeting scheduled for 15 June, despite Ethiopia's acceptance of the Commission's invitation. Eritrea informed the Commission of its decision by way of letter from its Legal Adviser, dated 13 June 2006, in which the Legal Adviser concluded the letter stating, "We therefore regret that at the present time it is not possible to accept your invitation for 15 June 2006 in The Hague." Eritrea also failed to accept the Commission's subsequent invitation to attend a meeting scheduled two months later in August.

have continued and intensified and that Eritrea has imposed "additional severe restrictions" on UNMEE. For example, the progress report provides:

> According to UNMEE observations, Eritrea has deployed over 2,000 troops and some 1,200 militia in Sector West, accompanied by 16 tanks, 2 multiple-barrel rocket launcher systems and 7 air defence guns. In the meantime, the deployment of EDF [Eritrean Defence Forces] elements in Sector Centre, which began in late December 2006, has also continued ... Latest estimates suggest that approximately 1,700 suspected EDF elements have been deployed to Sector Centre ... In addition, Eritrea has deployed around 6 anti-aircraft guns around the area of Assab Airport in Subsector East.

This, in fact, understates the problem. The reality is that Eritrea has almost fully occupied the Temporary Security Zone. The separation of troops, which is the reason for the establishment of the Zone, is no longer operational. The number of EDF troops in the Zone is much much bigger than is suggested in the quotation above, with a number of EDF divisions now having established a firm presence there. In Sector West, inside the Zone, are the following EDF Divisions: 21st, 25th, 26th and 37th. In the Central Sector, EDF Divisions 10th, 29th and 39th as well as an additional Brigade, No. 51, are inside the Zone. In Sector East, within the Zone, EDF Division 35th is to be found along with one additional Brigade. The Zone has been made a joke, but a dangerous joke nonetheless.

4. As the Boundary Commission, its technical staff and UNMEE officials have repeatedly emphasized to the parties, so long as Eritrea prevents UNMEE from discharging its responsibilities and continues to fortify the Zone and the border region, there is simply no practical means for the parties or for the Commission to proceed with demarcation.

Eritrea's actions constitute fundamental violations of the Algiers Agreements

5. Such actions by Eritrea are fundamental violations of the Algiers Agreements and undermine the entire structure established by the Algiers Agreements for peaceful relations between the parties. Eritrea has consistently refused to resolve differences through dialogue and peaceful discussion, as the Algiers Agreements require and as the Security Council has repeatedly called upon the parties to do. Instead, Eritrea's recent letter to the Secretary-General threatens the use of force in connection with the boundary dispute.

6. Indeed, in addition to having invaded the Temporary Security Zone and expelled United Nations peacekeepers, Eritrea has used force in carrying out incursions along its border with Ethiopia and has used force in connection with its active participation in terrorism and with its support of terrorists operating in and from Somalia, who have attacked people and commercial activities inside Ethiopian territory. Such threats and use of force are further fundamental violations of the Algiers Agreements and also of the United Nations Charter.

7. Article 1 of the December 2000 Agreement provides:

> 1. The parties shall permanently terminate military hostilities between themselves. Each party shall refrain from the threat or use of force.
>
> 2. The parties shall respect and fully implement the provisions of the Agreement on Cessation of Hostilities.

8. Under paragraph 14 of the Cessation of Hostilities Agreement:

> Eritrea commits itself not to move its troops beyond the positions defined in paragraph 12 above [within the 25 kilometre Temporary Security Zone]. The OAU [Organization of African Unity] and the United Nations commit themselves to guarantee the respect for this commitment of the Parties ... This guarantee shall be comprised of ... appropriate measures to be taken under Chapter VII of the United Nations Charter by the United Nations Security Council.

It should be mandatory that Eritrea return to full compliance with the Algiers Agreements, United Nations Charter and Security Council resolutions for any progress in the peace process to be possible.

9. Eritrea has given no indication of any willingness to remove Eritrean forces from the Temporary Security Zone, to allow UNMEE to resume operations without restrictions, or to refrain from the threat or use of force. Eritrea's actions not only violate the Algiers Agreements and the Charter, they also defy the Security Council, including the Council's support of UNMEE and the Council's most recent demand in its press statement of 8 May "that Eritrea reverse, without delay or preconditions, all restrictions on UNMEE's movement and operations". A party that continues to breach the Charter and openly defy the Council and that has demolished the Cessation of Hostilities Agreement, which is the foundation of the Algiers peace process, cannot, by any legal consideration, be regarded to be ready for demarcation or to be interested in peaceful resolution of disputes. The demarcation process cannot go forward in the face of the open threat and use of force by Eritrea, a fundamental breach of the Algiers Agreements and flagrant defiance of Council resolution 1640 (2005).

Not appeasement but Chapter VII measures are the response provided for in paragraph 14 of the Cessation of Hostilities Agreement for such action.

Ethiopia calls upon the Security Council to take further action

10. Ethiopia calls upon the Security Council to demand that Eritrea fully restore the integrity of the Temporary Security Zone and the freedom of movement of UNMEE, cease all military and terrorist activities aimed at Ethiopia, subject to the Council's resort to the measures set forth in paragraph 14 of the Cessation of Hostilities Agreement unless Eritrea comes into full compliance.

11. Ethiopia also calls upon the Security Council to demand that Eritrea fully engage in good faith dialogue with Ethiopia to move forward in demarcating the boundary, the delimitation of which they have both accepted, and with the Secretary-General, the international community and Ethiopia in the effort stipulated in resolution 1741 (2007) "to normalize their relations, to promote stability between the parties, and to lay the foundation for sustainable peace in the region".[c]

[c] Security Council resolution 1741 (2007), para. 9; *see also*, Secretary-General Progress Report on Ethiopia and Eritrea, 30 April 2007, para. 18, and Security Council Press Statement, 8 May 2007.

12. **Ethiopia** is deeply and firmly committed to the achievement of sustainable peace and security in the Horn of Africa region and to working closely with the Security Council and the international community to this end.

(*Signed*) Seyoum **Mesfin**
Minister